

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

CARLOS SANCHEZ III,

Plaintiff,

VS.

**HOME DEPOT U.S.A., INC, doing
business as THE HOME DEPOT
STORE #6547**

Defendant.

CIVIL NO.
SA-18-CV-0141-DAE

ORDER

Before the Court in the above-styled and numbered cause of action is the Motion to Compel Responses to Plaintiff's Discovery Requests [#49] filed by Plaintiff Carlos Sanchez III ("Plaintiff"). On June 19, 2019, the Honorable David A. Ezra referred the motion to the undersigned for disposition pursuant to Rule 72 of the Federal Rules of Civil Procedure. The undersigned has authority to enter this Order pursuant to 28 U.S.C. § 636(b)(1)(A). On June 27, 2019, the Court held a hearing on the motion, at which both parties appeared through counsel.

Plaintiff's lawsuit alleges that on November 5, 2016, he was injured in a trip-and-fall accident at a Home Depot store in San Antonio, Texas. (Original Pet. at ¶ 8.) By his motion, Plaintiff seeks an order compelling Defendant Home Depot U.S.A., Inc., doing business as the Home Depot Store #6547 ("Defendant"), to supplement its response to Plaintiff's First Request for Production No. 2. Specifically, Plaintiff seeks an order compelling Defendant to produce all video footage that: (1) is from the day of the incident, (2) is from the store where the incident occurred, and (3) shows the area of the premises where the incident occurred.

In response to the discovery requests and the instant motion, Defendant represented to Plaintiff and to the Court that no such footage exists, except for a twelve-minute recording that has already been produced. Defendant also represented to the Court that it would confirm that no additional footage exists and agreed to produce a sworn declaration to that effect.

At the hearing, the Court issued certain oral rulings, which the Court now confirms in this Order.

IT IS, THEREFORE, ORDERED that **on or before Monday, July 8, 2019** that Defendant: (1) produce to Plaintiff any additional footage responsive to Plaintiff's First Request for Production No. 2 or (2) provide to Plaintiff a sworn declaration confirming that no additional footage that would be responsive to the request exists.

IT IS FURTHER ORDERED that in light of the foregoing Order and representations by Defendant, Plaintiff Carlos Sanchez III's Motion to Compel Responses to Plaintiff's Discovery Requests [#49] is **DISMISSED AS MOOT**.

IT IS SO ORDERED.

SIGNED this 28th day of June, 2019.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE